

**PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Pulliam v. County of Fort Bend, Texas, et al.

Case No. 4:22-cv-4210

EXHIBIT 4

Ricky Rodriguez

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUSTIN PULLIAM,

Plaintiff,

v.

Civil Action No. 4:22-cv-4210

COUNTY OF FORT BEND, TEXAS;
SHERIFF ERIC FAGAN, in his
Individual capacity; OFFICER ROBERT
HARTFIELD, in his individual capacity;
OFFICER JONATHAN GARCIA, in his
Individual capacity; OFFICER TAYLOR
ROLLINS, in his individual capacity;
And OFFICER RICKY RODRIGUEZ, in
His individual capacity,

Defendants.

ORAL DEPOSITION

OF

RICKY RODRIGUEZ

Taken at the Offices of
Fort Bend County Attorney
401 Jackson St., 3rd Floor Conference
Richmond, Texas

August 11, 2023

9:02 a.m.

Ricky Rodriguez

1 APPEARANCES:

2 FOR PLAINTIFFS:

3 INSTITUTE FOR JUSTICE
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Austin, TX 78701
By: Christen Mason Hebert
5 CHebert@IJ.org
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7 FOR DEFENDANTS:

8 Kevin Hedges
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9 Litigation Division
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12

13 ALSO PRESENT: Molly Hanis

14 REPORTED BY: Sarah B. Townsley, CSR, CRR, RPR

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Ricky Rodriguez

1 STIPULATIONS

2 IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL FOR
3 THE PARTIES HEREIN THAT THE ORAL DEPOSITION OF RICKY
4 RODRIGUEZ WAS TAKEN BEFORE SARAH B. TOWNSLEY, CRR, CCR,
5 CSR, RPR, CERTIFIED REALTIME REPORTER IN AND FOR THE
6 STATES OF TEXAS AND LOUISIANA, PURSUANT TO NOTICE AND IN
7 ACCORDANCE WITH THE FEDERAL RULES OF CIVIL PROCEDURE AS
8 PROVIDED BY LAW, AT THE COUNTY ATTORNEY'S OFFICE, 401
9 JACKSON STREET, 3RD FLOOR, RICHMOND, TEXAS, ON AUGUST
10 11, 2023, AT 9:03 A.M.;

11 THE PARTIES HEREBY WAIVE ALL FORMALITIES IN
12 CONNECTION WITH THE TAKING OF THE DEPOSITION, WITH THE
13 EXCEPTION OF THE SWEARING OF THE WITNESS AND THE
14 REDUCTION OF THE QUESTIONS AND ANSWERS TO TYPEWRITING;

15 THE RIGHT OF THE WITNESS TO READ AND SIGN A COMPLETED
16 TRANSCRIPT OF TESTIMONY IS SPECIFICALLY RESERVED;

17 COUNSEL FOR ALL PARTIES RESERVE ALL OBJECTIONS EXCEPT
18 AS TO THE FORM OF THE QUESTION AND RESPONSIVENESS OF THE
19 ANSWER AT THE TIME OF TAKING OF SAID DEPOSITION, AND
20 THEY ALSO RESERVE THE RIGHT TO MAKE OBJECTIONS AT THE
21 TIME THAT TAKING OF SAID DEPOSITION OF ANY PART THEREOF
22 MAY BE OFFERED INTO EVIDENCE, WITH THE SAME RIGHTS AS IF
23 THE TESTIMONY HAD BEEN GIVEN IN OPEN COURT;

24 SARAH B. TOWNSLEY, CCR, CSR, RPR, OFFICIATED IN
25 ADMINISTERING THE OATH TO THE WITNESS.

Ricky Rodriguez

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Ricky Rodriguez

1 PROCEEDINGS:

2 RICKY RODRIGUEZ,

3 having been first duly sworn by the court reporter,

4 testified on oath as follows:

5 COURT REPORTER: We're on the record at

6 9:02 a.m.

7 [Witness was sworn.]

8 EXAMINATION BY MS. HEBERT:

9 Q. Good morning, I'm Christie Hebert. As you know,
10 I represent the plaintiff, Justin Pulliam, in this case,
11 and you just had the court reporter -- this is Sarah.
12 She swore you in -- I'll just quickly introduce
13 everybody. I know you shook hands, but just so you
14 know, we're on the record. This is my colleague, Jeff,
15 this is my colleague, Molly, and you're familiar with
16 Kevin Hedges, who is your attorney today.

17 We'll do the usual kind of stipulations, here.
18 By being here today, you have notice, you've been here,
19 and you don't have any objections to notice and you
20 don't have any objections to Sarah's qualifications to
21 be our court reporter today. Would you mind, for the
22 record, stating your full name?

23 A. Ricky Rodriguez.

24 Q. And is your first name "Richard", but you go by
25 "Ricky" --

1 A. No. That's my legal name.

2 Q. And you're a deputy today. You didn't get
3 promoted from 2021 to today? You're still a deputy?

4 A. I'm still a deputy.

5 Q. I just want to make sure I address you
6 correctly.

7 A. Yes, ma'am.

8 Q. And before we kind of get into any, like,
9 substantive matters, I want to go over some general
10 housekeeping. I understand that you testified in Justin
11 Pulliam's criminal trial previously, so you've testified
12 under oath before?

13 A. Correct.

14 Q. Have you ever done a deposition before?

15 A. No.

16 Q. And so you understand that, today, you're under
17 oath, and that's the same as if you were testifying in a
18 courtroom before a judge?

19 A. Correct.

20 Q. And that means you're sworn to tell the truth,
21 you're under oath, all those things; you understand
22 that?

23 A. Yes.

24 Q. So one thing that might be a little bit
25 different with a criminal trial is, it's really

1 important during a deposition to have a clear record,
2 and so that means I need to ask clear questions, and you
3 need to have clear responses, so things like nodding
4 your head, or shaking your head, or saying "uh-huh" or
5 "uh-uh" aren't going to be clear on the record, so
6 we'll just need you to say "yes" or "no" and clearly
7 state your answer. If you don't understand a question,
8 please speak up, let me know, and I can rephrase or ask
9 the court reporter to read it back, to make sure that
10 there's clarity for you.

11 Also, I would ask that, before I finish asking a
12 question, you let me get to the end of the question, and
13 then answer it, rather than kind of jumping in in the
14 middle. You might know where it's going and then say,
15 "Okay, I'm going to just start answering it", so we'll
16 try to not step on each other, because that makes
17 Sarah's job pretty difficult.

18 A. Okay.

19 Q. And then if you don't know the answer to the
20 question, it's okay to say "I don't know", but if you do
21 know the answer to the question, then, obviously, it's
22 truthful to give the answer.

23 Mr. Hedges, who represents the county, has
24 probably heard this now I don't know how many times,
25 but he may state an objection after I ask a question,

1 but that doesn't necessarily mean I've asked a bad
2 question. Mr. Hedges is just preserving the right to
3 say that the question doesn't follow the rules of
4 evidence later, before a judge, and you still generally
5 have to answer the question, unless Mr. Hedges says, "I
6 instruct you not to answer the question." If you need
7 to take a break or take a drink, that's fine. I would
8 just ask that you try to finish answering a question
9 before taking a break, so we don't, like, take a break
10 in the middle of your answer, is there any reason today
11 why you wouldn't be able to give your fullest and best
12 testimony, such as you're taking an impairing medication
13 or something like that?

14 A. No.

15 Q. And we're going to look at some documents today.
16 You have the right to review the entirety of the
17 document before you answer any questions about the
18 document. We're also going to look at some video clips
19 today, and, to save time, I've identified relevant
20 portions, timestamps. There's clips of the video to
21 look at, but if -- it is your right to watch the
22 entirety of the video. Some of them are rather long.
23 I'm just trying to save time. I'm not trying to trick
24 you, and it's your right to say, hey, I want to watch
25 more, or, I want to watch the entirety with Mr. Hedges;

1 you understand that?

2 A. Yes.

3 Q. I like to show you an exhibit. Molly, would you
4 mind handing Deputy Rodriguez the first exhibit?

5 [Exhibit 1 was marked.]

6 Q. Molly's handing you what is marked Exhibit 1,
7 and I'll represent to you this is your deposition notice
8 for today. Have you seen this notice before?

9 A. Yes.

10 Q. And did you do anything to prepare for today's
11 deposition?

12 A. Yes.

13 Q. What did you do to prepare?

14 A. Met with my attorney.

15 Q. Okay, and you can generally assume that I'm not
16 looking to ask you questions about what Mr. Hedges said
17 to you, or invade any of the attorney-client privilege
18 that you have with Mr. Hedges, so other than talking
19 with Mr. Hedges, what did you do to prepare for today's
20 deposition?

21 A. I reviewed the case itself, in question.

22 Q. Excuse me?

23 A. The case -- I reviewed the case that we're all
24 here to talk about.

25 Q. Okay, when you reviewed the case, what do you

1 mean by that?

2 A. I pulled the report, the incident report, viewed
3 the video that we had access to, and that's it.

4 Q. So can you help me understand what video you had
5 access to?

6 A. Our own body -- well, at the time, we didn't
7 have body cam. We had dash cam video and audio.

8 Q. Okay, so you reviewed some dash cam. What dash
9 cam video are --

10 A. My own.

11 Q. Your own dash cam video; any other dash cam
12 video that you reviewed?

13 A. No.

14 Q. Did you discuss the deposition with anyone
15 besides Mr. Hedges?

16 A. No.

17 Q. Did you discuss Mr. -- Sheriff Fagan's
18 deposition with him?

19 A. No.

20 Q. Did you discuss anything with Lieutenant
21 Rollins?

22 A. No.

23 Q. And how about Detective Hartfield?

24 A. No.

25 Q. Did you bring any documents with you to --

1 A. No.

2 Q. -- today's deposition?

3 MR. HEDGES: Not related to the
4 deposition. I think he's got his work notebook.

5 BY MS. HEDGES:

6 Q. Oh, that's fine. Sheriff Fagan brought his
7 newspaper in. That was fine, too. We're going to talk
8 a lot about the Fort Bend County Sheriff's Office today.
9 Can we generally agree that, when I say "Sheriff's
10 Office", I'm referring to the Fort Bend County Sheriff's
11 Office?

12 A. Yes.

13 Q. And when I say -- if we talk about "Sheriff",
14 Eric Fagan of Fort Bend County Sheriff's Office, I'm
15 referring to. If I say "sheriff", I'm referring to
16 Sheriff Eric Fagan of the Fort Bend County Sheriff's
17 Office; can we agree to that?

18 A. Okay.

19 Q. I just want to walk through some personal
20 background stuff for you. How long have you been with
21 the Sheriff's Office?

22 A. For eight years.

23 Q. For eight years. And what was your position in
24 December of 2021?

25 A. I was a deputy; patrol deputy.

1 Q. And who were your superiors at that time in the
2 chain of command?

3 A. It's really hard to say, because we have a
4 change of sergeants. Probably every six months, we have
5 different ones come in, and some leave and promote, so
6 all I remember is Sergeant Rollins at the time.

7 Q. Okay. And have you worked for any law
8 enforcement agencies other than the Sheriff's Office?

9 A. No.

10 Q. And as someone who's generally unfamiliar with
11 law enforcement, what are the responsibilities of a
12 patrol deputy?

13 A. First and foremost, we answer calls for service.
14 When the public calls in and requests help with an
15 investigation or to notify of a criminal offense, we go
16 out and investigate and generate reports, preliminary
17 reports.

18 Q. Okay.

19 A. Besides that, there are, obviously, the other
20 laws. As we're out there, we're enforcing traffic law,
21 we're be observant of any possible criminal offenses
22 that are occurring in front of us, and then just your
23 meeting with the public and just sustaining just a
24 general -- relationships with the public.

25 Q. Thank you. A couple of follow-up questions.

1 Sounds like you have to be familiar with a lot of laws;
2 is that correct?

3 A. Yes.

4 Q. So how do you stay up-to-date on all the laws
5 that you have to enforce?

6 A. Well, we have continuing education, and from
7 time to time, we do have to reference books or our hand
8 guides to confirm, you know, the elements of a crime.

9 Q. Okay. And you talked a little bit about
10 interacting with the public.

11 A. Uh-huh.

12 Q. Can you tell me a little more about that? What
13 are you trained to do in terms of interacting with the
14 public?

15 A. Well, in our general area where we get assigned,
16 we're asked to stop in in businesses, talk to the clerk
17 or manager, ask them if they've got any issues, if
18 they've had any issues lately. Talk to them about
19 what's been going on. If you're just in a store taking
20 a break, you can conversate with a civilian, themselves,
21 so it's just a matter of being personable with people.

22 Q. And what does that mean -- when you interact
23 with citizens, let's say in a traffic stop, what are
24 your kind of goals there?

25 A. With a traffic stop, it's just stopping them

1 because of the infraction, and letting them know -- at
2 that point, we have discretion whether to give them a
3 citation to enforce the infraction, or a warning, and
4 so that whole interaction is supposed to be positive,
5 so, that way, they leave there, going, okay, well, let's
6 not speed twenty miles an hour over the speed limit.

7 Q. So would it be fair to say, then, that every
8 interaction you where have with civilians, you're
9 trying to leave it with a positive impression, if you
10 can?

11 A. Yes.

12 Q. I want to talk a little bit about just some
13 general practices and training. Let's talk about some
14 crime incident scene procedures specifically with a
15 potential shooter. If an officer were the first officer
16 on the scene with a potential shooter, what would that
17 officer do? What would be the steps that an officer
18 would be expected to take?

19 A. Well, it just depends. If the shooter -- if
20 it's a potential shooter, that means they haven't shot
21 off any rounds yet, and they're in a location, so the
22 first thing is to keep them there, keep an eye on them,
23 try to make contact with them, if they can, and, if at
24 all possible, make the scene safe for the civilians, and
25 then give information over the radio for each additional

1 unit that's coming in -- each additional deputy that's
2 coming in to let them what's going on, so they know what
3 to be expecting.

4 Q. Sorry. I didn't mean to interrupt you, there.

5 A. Uh-huh.

6 Q. Okay, to follow up on some of the stuff, sounds
7 like the first scene is to kind of figure out where the
8 shooter is. How do you do that?

9 A. Well, based on -- if we had a call, if somebody
10 that knows more information, we may talk to them over
11 the phone or whatever information they gave to us
12 preliminary, we'll go off of that and just look for this
13 person.

14 Q. Okay. And then I think the second step you
15 talked about was making sure the scene was safe and any
16 civilians were safe. How do you do that?

17 A. Anyone that may be in an area that may be
18 unsafe, according to the deputy's perception, you ask
19 them to leave, get out of the area.

20 Q. And where do you generally tell them to go? You
21 just tell them to leave?

22 A. Just to leave, yeah. And it's just a
23 case-by-case scenario because sometimes you're in a
24 neighborhood where residents are twenty feet apart. You
25 have them shelter-in-place and don't come out, or if

1 it's an open area, then you tell people to not come --
2 just keep going, keep driving.

3 Q. And then you talked a little bit about radioing
4 back. What information do you try to relay? How does
5 that interaction go?

6 A. First, it's going to be where your location is,
7 where the subject's location is, a description of them,
8 and what other imperative information. Do they have --
9 do you think they have a pistol or a handgun, or
10 shotgun, rifle? All that is radioed out so, that way,
11 each additional officer coming in knows what to expect.
12 How far out do we need to be? If he has a rifle, we
13 need to be out a bit further. If he just has a handgun,
14 then we can maybe close in a little bit and take shelter
15 behind our patrol cars, so, like I said, it's an
16 evolving thing that happens within seconds.

17 Q. Thank you. We talked a little bit about
18 civilians, and making sure the location was safe. Would
19 there be any situation where an officer decided that a
20 civilian should remain in an unsafe location? Let's
21 say, for instance, if the civilian were injured?

22 A. So you're asking if there's a reason why?

23 Q. (Ms. Hebert nods head.)

24 A. If there's a good reason why. If we're tied up
25 with something more important, but if it's a injured

1 civilian, you know, we try to get them out and get
2 medical attention to them.

3 Q. Okay, so, unless there were another situation
4 that were more important --

5 A. Something more pressing.

6 Q. Something more pressing, you would generally try
7 to get the civilians out of the unsafe location, kind of
8 first?

9 A. Uh-huh.

10 Q. Would you mind saying --

11 A. Yes.

12 Q. Let me back up and say that again. So if there
13 were any situation -- unless there was something more
14 pressing, the first step an officer would take would be
15 to try to get the civilians to a safe location?

16 A. Correct.

17 Q. If an officer had to wait to see what was
18 happening with a potential shooter -- let's say you
19 radioed for backup, or you didn't know exactly where
20 the shooter was, or might be, or you're just kind of
21 waiting for the situation to diffuse, would that officer
22 try to stay behind cover? We talked a little bit about
23 that, but what does "cover" look like?

24 A. Yes. So if we do know that the person we're
25 dealing with is armed, yes, we would want to stay behind

1 cover, so that's something that's going to be hard
2 enough to where it would give us a protection, and then
3 also concealment, so it'll give us a little bit of
4 concealment from the person that we're trying to take
5 into custody.

6 Q. Okay. And it seems like the officer would try
7 to keep eyes -- like of some kind of cover that allows
8 them to keep eyes on where the shooter might be?

9 A. Correct.

10 Q. And let's change that situation a little bit.
11 Can you walk me through what an officer who arrives
12 second on the scene, the steps that he or she might
13 take? So when one someone's already there and an
14 officer comes to the scene second, what steps would that
15 officer take?

16 A. It's going to be dependent on the first officer,
17 because the policy says that the first officer on scene
18 will assume scene commander, and so they have more
19 information most of the time, and they will give orders,
20 and so -- and, obviously, that depends on the second
21 officer, third officer, what they agree with if it's not
22 safe. So they'll confer with the other officers or the
23 deputies, and determine what the next course of action
24 is and then most of the time, if it's a person that's
25 inside of a building, they're just going to keep watch

1 of that building and make sure they don't come out, and
2 only engage if that person starts shooting.

3 Q. So the first or second or third officer comes on
4 the scene, they get the update, kind of what's going on
5 on the ground from the first officer?

6 A. Uh-huh.

7 Q. If the second officer thinks the first officer
8 might need to change something or make a decision,
9 they're going to say that?

10 A. Right.

11 Q. Kind of have a conference?

12 A. Right.

13 Q. And then kind of take steps of what's
14 appropriate, depending on the situation. Is that a fair
15 summary?

16 A. That's fair.

17 Q. Now, you talked a little bit about a scene
18 commander. Can you tell me what are the
19 responsibilities of a scene commander?

20 A. Well, a scene that is something like this, or
21 even more complex, or -- that's going to be the first
22 officer, like I said, deputy that's on the scene that
23 has most of the information. They'll start giving
24 orders, directing people where they need them, because
25 most of us understand a little bit, that we've already

1 had some experience so something like this, we might
2 tell the deputy to set up on the north side of the
3 building, and another one on the south side and one on
4 the west. That's what a scene commander does until the
5 higher-rank officer comes on, and we pass that off.

6 Q. So when the more senior officer comes on the
7 scene, they get promoted to the scene commander --

8 A. So what I'm referring to is the sergeant or
9 lieutenant. Those are obviously higher-rank so, once
10 they get there, they assume scene commander, but it's
11 kind of silly to hear a deputy being scene commander,
12 but you have to -- somebody has to call the shots, and
13 be active in putting out information over the radio --

14 Q. And, presumably, the first person on the scene
15 --

16 A. That's usually the first person.

17 Q. -- has the most information?

18 A. Uh-huh.

19 Q. I want to ask a couple of general questions
20 about setting up a perimeter. We hear about setting up
21 a perimeter on TV, but what does that really mean?

22 A. So a perimeter would be something wide enough
23 around the area we're trying to set, so, that way, we
24 can, one, keep a safe distance; two, keep an eye on what
25 we're trying to keep an eye on, and that's really what a

1 perimeter would be and then, also, keeping people out of
2 the area.

3 Q. Okay, and how do you decide when a perimeter is
4 needed?

5 A. It's just -- it's going to depend on -- a
6 subject with a weapon that would be -- would require
7 one. A criminal that is -- that we're trying to
8 capture, so these are just some examples of why we would
9 need a perimeter.

10 Q. Or maybe if there's, like, a crime scene that --

11 A. Correct.

12 Q. -- been already committed?

13 A. Uh-huh.

14 Q. And how do you determine where the perimeter
15 should be located?

16 A. It's -- one, it's going to be how much distance
17 do we need for it to be safe, and reasonable, like,
18 based on how many officers or units that we have, can we
19 do that with, so the more that we have, the better
20 perimeter we can create.

21 Q. I think sometimes we conventionally think of the
22 police barrier tape of "do not cross" as like, the
23 quintessential barrier, but when you don't have barrier
24 tape, what do you use to demark where the perimeter is?

25 A. Most of the time, if we have the -- the ability

1 and safely do it, we're going to mark off with crime
2 scene tape. Obviously, if we we have a crime scene,
3 we're trying to preserve evidence, keep people from
4 coming in and out in that area, so we're going to mark
5 it off and we'll do that, but if it's an active scene
6 that's evolving, we don't have time to do that, and so
7 we'll just have to, with our units, using a deputy in
8 that area to mark it off.

9 Q. So I want to break that down a little bit.

10 "With our units", do you mean patrol --

11 A. Patrol deputies.

12 Q. Patrol deputies. So you use the people that you
13 have to, say --

14 A. Correct.

15 Q. -- this is the barrier?

16 A. Correct.

17 Q. I want to talk a little bit about the training
18 that you receive on filming the police. Where did you
19 attend the academy? With the Sheriff's Office?

20 A. With Gus George Law Enforcement Academy.

21 Q. But not the Fort Bend County Sheriff's Office
22 Academy? That's a different county's police academy --

23 A. So this is the academy that the county has.

24 It's under the control of the sheriff's office, but it's
25 open for anyone to --

1 Q. Okay, so you just said something like "Gustav"
2 or --

3 A. Gus George.

4 Q. Gus George? And that's just the name --

5 A. That's the name of the academy.

6 Q. So Gus George is the name of the police academy
7 for Fort Bend County?

8 A. Yes.

9 Q. And, at academy, did you receive any training
10 about how to interact with the media?

11 A. Not that I recall.

12 Q. While you've been at the sheriff's office for
13 the past eight years, have you received any training on
14 how to interact with the media?

15 A. The only thing we have to govern that is
16 Sheriff's Office policy on media; restricting us from
17 speaking with the media, keeping them -- advising
18 supervisors that they're there, so, that way, the
19 supervisor can interact with them. As deputies, we
20 typically are not allowed to and requested not to
21 interact with the media.

22 Q. Okay, so you aren't trained on interacting with
23 the media, but you have an understanding of what the
24 Sheriff's Office policy is?

25 A. Correct.

1 Q. And, based on that policy, the general main
2 takeaway is try not to interact or talk to the media or
3 give statements to the media?

4 A. Correct.

5 Q. Based on your, kind of training or -- well, you
6 don't have any training, but based on your experience,
7 how about that -- how are you supposed to interact with
8 someone who is, let's say, recording a scene for a TV
9 station?

10 A. Uh-huh. Allow them to record.

11 Q. Do you generally talk to that person, ask them
12 who they're with?

13 A. Not typically. I mean, whether or not they have
14 credentials hanging around their neck, or they tell us
15 who they are, it really is irrelevant, as long as
16 they're not interfering with the scene or the
17 investigation, or they're not in an unsafe area.

18 Q. Tell me a little bit about that. What does
19 interfering with the scene look like?

20 A. Well, when we talked about taping off an area
21 for an investigation, that tells the public they are
22 not to cross that line. It's very easy for the public,
23 so that's why we use it. If we are involved in the
24 active scene where we have multiple deputies that are
25 trying to keep whoever's in the building there and the

1 public out, then that's -- it's not very easy for the
2 public to see, so we have to verbally warn them and tell
3 them to get back, so those are just some examples, but
4 as far as interacting with them -- I mean, we can talk
5 to the media. We're just not going to give an official
6 statement or give any details about what's going on in
7 the investigation. Unless it just pertains to them as
8 far as safety reasons, that's all they're -- the
9 information that we're going to convey.

10 Q. Sure. Thank you. And have you ever had an
11 instance where someone from, like, a TV station gets too
12 close or tries to pursue the story in a way that you
13 feel is unsafe?

14 A. Not that I can remember.

15 Q. And I think you talked a little bit about this,
16 but based on your experience, do citizens generally have
17 a right to film the police?

18 A. Yes.

19 Q. Have you received any training -- and I think
20 the answer is no, based on our conversation already --
21 with how to interact with citizen journalists?

22 A. No. We haven't had any official training.

23 Q. Okay. And, based on your experience, if a
24 civilian or citizen arrives to film the police, what --
25 what is your understanding of what you should do in that

1 situation?

2 A. Just allow them to, in a safe manner, continue
3 filming.

4 Q. Sure. Other than one-off occurrences where a
5 passerby films the police, or somebody was already in a
6 car, say, at a traffic stop, have you seen people other
7 than Justin Pulliam who make a point to show up at
8 various police scenes to film police?

9 A. Can you repeat that question?

10 Q. Sure. I'm just trying to disregard some of the
11 other examples of when you've seen filming of the
12 police. Other than, like, a passerby who just happened
13 to see a scene who films that scene --

14 A. Okay.

15 Q. -- and other than Justin Pulliam, have you seen
16 anyone who makes a point to film police at various
17 places?

18 A. Yes. I mean, I can't tell you who they were,
19 but I have had at least one or two more experiences
20 besides Justin Pulliam.

21 Q. And you could, sitting here today, tell us the
22 context of those interactions?

23 A. One I can remember where there was a group of
24 guys that came in -- I think they were all in black.
25 They might have even had what appeared to be body armor

1 on, and they had cameras, and they came in to the --
2 they came in to the records lobby of the Sheriff's
3 Office, and maybe the front where bonding is, where the
4 jail is, so -- and they were just recording and asking
5 questions and stuff like that. I just -- I think what
6 we did is we notified a supervisor to let them deal with
7 it, but I didn't have any interaction with it.

8 Q. Do you remember the other instance that comes to
9 mind?

10 A. There was another one where that's -- that was
11 at the Sheriff's Office in the very front where the
12 bonding is. There was a man with a camera there that
13 was waiting for the deputy to get there, which was me,
14 to record them.

15 Q. And what happened in that situation?

16 A. Well, that was following the arrest of Justin
17 Pulliam, so I had seen this man before, and it seemed to
18 be they were all familiar with each other. I'm not sure
19 what the relationship was, but we had also received
20 numerous calls to dispatch, and one of them was a group
21 of individuals that sounded like they were harassing the
22 staff in bonding, and threatening them, and that's
23 whenever I got a call for service to go there to check
24 it, and he was standing out front waiting for me, to
25 record.

1 Q. I just want to break down some of the pronouns
2 you used. When you say "go there", you meant the
3 bonding office of the sheriff's department?

4 A. Correct. Yeah, I was dispatched there to
5 investigate what was going on.

6 Q. Okay. And when you said all of them were
7 familiar with each other, who were you referring to?

8 A. We do know individuals that do the same thing.
9 They go out to police scenes. They do listen in, and
10 they follow these scenes that they'll record, and I'm
11 not sure, exactly, what their intent is, but I know that
12 they're all pretty similar.

13 Q. Okay, so you're aware there are folks who go out
14 and -- with the purpose of recording police scenes?

15 A. Correct.

16 Q. Based on your experience, do you have a general
17 perception of the attitude of these folks who film
18 police towards police?

19 A. A general perception? No. I try to separate
20 each one. I know from being in the field, as far as in
21 the profession, there are some bad apples, and so I can
22 see how some of them are genuinely trying to expose
23 some, but, at the same time, they make it difficult for
24 the rest, because we could be doing more important
25 things.

1 Q. Understand. So I just want to talk generally
2 about Justin Pulliam, then. Before December 21, 2021,
3 you were familiar with Justin Pulliam; is that right?

4 A. Yes.

5 Q. How did you know Justin?

6 A. I think, if we go back far enough, he probably
7 started about the same time I started. He's been doing
8 this for a while. Most of his and his friends'
9 activities were filming at night, and I don't know when
10 he made the transition to day shift, but he's been on
11 several of my scenes; two, that I can remember and
12 recall over the last few years, so I'm familiar with him
13 personally, because I've dealt with him.

14 Q. And can you tell us about those two scenes?

15 A. Sure. The first one, I believe, if I could put
16 it into a timeline, it had to have been a couple years
17 ago, maybe between two and three years ago, there was a
18 medical emergency. It was a driver that stopped at a
19 traffic light and was not responding. People called in
20 for EMS to get there, so fire and EMS got there before
21 the deputies, so it was myself and another deputy, and
22 it was his scene, so he conducted the investigation,
23 and I remember that the driver was not responding, so
24 fire department had to break the window and take him
25 out, and EMS began doing some -- checking his vitals,

1 asking him what's going on if he was under medication
2 or some kind of medical emergency, and so while they
3 were doing that, myself and the other deputy were far
4 back, maybe in the parking lot, and the vehicle was
5 still there, and we noticed Justin park in the parking
6 lot, walk across the street, and stand on the corner
7 next to the vehicle and start filming it, and he filmed
8 all the way around, staying on the sidewalk, so we
9 didn't interact with him because we didn't see him
10 doing anything that needed to be dealt with, so... the
11 next time was probably about a year later, and, again,
12 it was another crash incident where there was two or
13 three vehicles and maybe six people involved, so
14 getting all that off the road, and clearing that, we
15 moved into the parking lot to conduct investigation. I
16 was the only deputy there, so it's a lot to deal with.
17 You had emergency vehicles blocking the roadway, you've
18 also got all the people involved emotional, and you've
19 got all their vehicles on tow trucks. So I'm dealing
20 with all that, and Justin pulls into that same parking
21 lot and gets out and starts recording, walking around
22 all the vehicles, recording the vehicles, recording the
23 people, walking right by them as close as I am to you,
24 and recording them, and, from far off, I knew -- I
25 didn't know who it was and then realized, so I told him

1 don't get in the way. Stay out of the way, and then he
2 started asking me several questions, one right after
3 another. What's your name? What's your badge number?
4 Does the Sheriff's Office own this property? I think he
5 was expecting me to make him leave, and I did not, so I
6 told him just stay out of the way, don't harass any of
7 these people here. So after I answered his questions, I
8 ignored the following, and after a couple minutes, he
9 finished what he was doing and left. Those are the ones
10 that come to mind, and offhand, I don't remember any
11 other ones.

12 Q. Thank you. And, in your experience in 2021, was
13 Justin Pulliam generally known to other officers in the
14 Sheriff's Office?

15 A. Yes.

16 Q. And based on your experience at the time -- you
17 were on the force for, what, six or seven years?

18 A. Correct.

19 Q. What was your general perception of how the
20 Sheriff's Office viewed Justin Pulliam?

21 A. Well, I can't tell you how the Sheriff's Office
22 as a whole viewed him; only with the deputies that I
23 worked with. For the most part, they just didn't like
24 him because, when we're -- when we're dealing with
25 situations and having to deal with an extra party in

1 there with a camera, it's almost -- it's very close to
2 interfering, so it's -- it's one of those things where
3 we have enough to deal with on the scene, so we'd
4 rather not have somebody else there trying to stir
5 whatever they're trying to stir up.

6 Q. I get it. Did Justin Pulliam have a reputation
7 for being violent at all?

8 A. No.

9 Q. Did he have a reputation for maybe shouting at
10 people, or telling them not to answer questions from the
11 police, or that they needed to run away?

12 A. Yes.

13 Q. And did Justin Pulliam have a reputation for
14 altering evidence at all?

15 A. No.

16 Q. And I've watched some of Justin Pulliam's
17 videos. I understand how severe and biting some of his
18 criticism can be, and I understand why an officer would
19 not want him on the scene or would not want to be
20 featured on a YouTube video or any of those kinds of
21 things. How do you keep your cool when someone like
22 Justin is at your scene or is peppering you with
23 questions?

24 A. Personally, I think it has to do with a little
25 bit of experience, and knowing the law has everything to

1 do with it, as well, what you can and cannot do.
2 Probably the third thing is, I kind of have an idea of
3 why he's there, so I give him a little bit of room, a
4 little bit of grace, and that's it, and so having dealt
5 with individuals like him, I know where my line is, and
6 I think he knows where it is, too. Matter of fact, I
7 know he knows where the line is. That's why he walks
8 it.

9 Q. And when you refer to that line, help me
10 understand what makes -- what do you mean by "that
11 line"?

12 A. Well, he knows where he can be in a public area,
13 which is maybe a sidewalk, and filming is not illegal,
14 and as long as he is not physically interfering with an
15 investigation or impeding the investigation, that's
16 typically where he does his activity, in that area.

17 Q. I'd like to walk through some of the events that
18 happened at the Krafts' property on December 21, 2021.
19 I understand that you were dispatched to the Krafts'
20 property on that day; is that correct?

21 A. Yes.

22 Q. And what had you been doing beforehand?

23 A. Well, another deputy my the name of Matthey Lacy
24 was initially dispatched there and I think it was a
25 check welfare. I was in another part of the county

1 dealing with whatever call I was on, and after I
2 finished what I was doing, I went out there to help him;
3 just knowing Edwin Kraft and the history that we have
4 with him, so I knew that this is going to take more than
5 just a couple deputies.

6 Q. So you were already familiar with Edwin Kraft
7 when you were going to this call?

8 A. Yes.

9 Q. And you talked a little bit about Deputy Lacy.
10 He arrived first on the scene?

11 A. Yes.

12 Q. And were you second?

13 A. Yes.

14 Q. And when you arrived at the Krafts' property,
15 parked your vehicle, and got out, then what happened?

16 A. I think at this time, Deputy Lacy had already
17 notified everybody over the radio that he had seen Edwin
18 Kraft exit the residence and then go back in, then he
19 saw something in his hand, which he believed to be a
20 weapon. At this time, he didn't understand -- didn't
21 know quite to identify what kind of weapon it -- as far
22 as, like, the caliber of the gun, so we were already on
23 defense, so when I got there, I understood -- he said
24 that he was going to keep an eye on the back side of the
25 residence, because there's a rear door and a front door,

1 so my -- our jobs were going to be just to keep an eye
2 on the house until extra deputies could arrive and we
3 could secure it a little bit.

4 Q. The "he" you're referring to about -- "he" going
5 to the back side, that was Deputy Lacy?

6 A. Deputy Lacy.

7 Q. And the fact that Deputy Lacy got there first,
8 that meant he was the scene commander at the time?

9 A. Yes.

10 Q. And did he, therefore, give you orders?

11 A. Yeah, he -- if I remember correctly, he asked me
12 to keep an eye on the front while he was going to the
13 back.

14 Q. And did you?

15 A. Yes.

16 Q. And what did you do next after Deputy Lacy gave
17 you that order?

18 A. Well, I set up in an area in a place that
19 offered me concealment and some cover, and then I also
20 could see the front door, the front of the residence.

21 Q. We talked a little bit about this before,
22 talking about the deposition notice, but your patrol
23 vehicle had a dash camera on it on December 21, 2021?

24 A. Correct.

25 Q. At the time, did every patrol vehicle have a

1 dash camera?

2 A. Yes.

3 Q. So every person on patrol would have had a dash
4 camera. Does that mean, like, every deputy?

5 A. Every deputy that would be patrolling. We do
6 get issued a patrol vehicle, and they're all outfitted
7 with the 03 dash camera, as well as the one in the
8 backseat.

9 Q. I understand that a deputy who's on desk duty or
10 something like that wouldn't have a dash camera --

11 A. Yes.

12 Q. And what about lieutenants and sergeants, would
13 they all have dash cameras, as well? If they were
14 patrolling.

15 A. Yes, they should, uh-huh.

16 Q. Let's look at some of the footage from your dash
17 camera. Molly, would you mind cuing that up? And we're
18 going to mark this footage as Exhibit 2.

19 [Exhibit 2 was marked.]

20 BY MS. HEBERT:

21 Q. Let's start with time stamp 7:41 and stop at
22 around 8:21, Molly. Before we get started, is this the
23 dash camera footage from your vehicle on December 21,
24 2021?

25 A. It looks like it.

1 Q. And, generally, where is the dash camera mounted
2 on your vehicle?

3 A. Just to the side of the rearview mirror that's
4 on the windshield.

5 Q. Why don't we press "play."

6 [Video was played.]

7 Q. Okay, now having watched the clip, can you
8 confirm this is your dash camera footage?

9 A. Yes.

10 Q. And the person on the left of the screen, is
11 that you?

12 A. Yes.

13 Q. And the person kind of further back on the right
14 of the screen, is that Deputy Lacy?

15 A. Yes.

16 Q. And it looks like you're wearing a vest
17 underneath your uniform. Is that a ballistics vest?

18 A. Yes.

19 Q. And do you usually wear a ballistics vest --

20 A. Yes.

21 Q. -- when you're out on patrol?

22 A. Yes.

23 Q. At this point when you had just arrived, where
24 did you believe Edwin Kraft was?

25 A. In that mobile home there.

1 Q. Okay. And how did you learn that information?
2 From Deputy Lacy?

3 A. From Deputy Lacy.

4 Q. Let's watch the next clip and see what happens;
5 8:21 to 9:21.

6 [Clip was played.]

7 BY MS. HEBERT:

8 Q. So at the beginning of this clip, you went back
9 to your vehicle. What were you going?

10 A. Looks like I was wrapping my beanie. It was a
11 little cold, I remember, that day.

12 Q. I get it. And when you don't have a lot of
13 hair, your head would get --

14 A. Yeah, wouldn't last very long out there.

15 Q. I understand. We don't hear anything on the
16 video besides, like, a buzzing noise, right?

17 A. Uh-huh.

18 Q. It looked like Deputy Lacy was talking to you
19 and gesturing. Do you remember what he was discussing?

20 A. I don't, and just, I mean, from every scene that
21 I've ever been on, that's going to be a debriefing time;
22 quickly and the high points. What did he see, what do
23 we need to do, so I think we were probably coming up,
24 formulating a plan.

25 Q. Okay, and at this timestamp at 9:21, where are

1 you and Deputy Lacy standing?

2 A. Well, we're moving around from vehicle to
3 vehicle, but right there, we're right in front of the
4 house.

5 Q. Okay. Because you can't see it on the
6 transcript, just describing it for the record.

7 A. Uh-huh.

8 Q. And how close would you estimate you and Deputy
9 Lacy are to the house where you believed Edwin Kraft was
10 located?

11 A. From this angle, it's kind of hard to estimate,
12 but I would say maybe 40 to 50 yards away from the
13 house.

14 Q. And you can't see the gas pumps from this
15 perspective, but give me a rough estimate how far do you
16 think you were from the gas pumps?

17 A. Maybe another fifty yards.

18 Q. Okay, so, in total, the house would be, what, 90
19 to a hundred yards from the house to the gas pumps?

20 A. To the gas pumps, sure.

21 Q. And, at this point, where was Frances Kraft --
22 Edwin Kraft's mother -- located?

23 A. She was standing over by the pumps.

24 Q. Did you believe that she was in an unsafe
25 location at all when you first arrived?

1 A. No, not at that time.

2 Q. And during this initial part of the time at the
3 Krafts' property, did you or Deputy Lacy ever tell Mrs.
4 Craft, Frances Kraft, that she needed to move away from
5 the gas pumps?

6 A. Uh-uh.

7 Q. And just kind of a general question, not trying
8 to insinuate anything here, but if you thought that
9 Edwin Kraft might be inside the house with a gun, why
10 did you and Deputy Lacy have your guns drawn at that
11 time?

12 A. Well, at this time, we didn't perceive any
13 danger, there was nobody shooting at us, and we were
14 still trying to figure out where we were going to set
15 up.

16 Q. Let's look at the next portion of the dash cam
17 from timestamp 9:31 to 10:33.

18 [Clip was played.]

19 Q. Okay, at the beginning of this clip, where were
20 you standing?

21 A. Behind this semi truck.

22 Q. And that was for cover purposes?

23 A. Yes.

24 Q. And you decided to walk towards your patrol
25 vehicle; what were you doing?

1 A. I believe I realized I didn't have my body
2 microphone, so the components of the camera, so it's
3 only filming, but there's no audio, so we'd have to --
4 we had to carry around a little box, which was a
5 microphone, a wireless microphone, so we went back to
6 pick it up, and so, from this point forward you'll
7 notice there's no audio with me with my video.

8 Q. Well, it seemed like we heard what you said
9 there. Where were we hearing that from?

10 A. From the vehicle radio. So when I have this
11 radio, and I'm talking on the radio, the radio in the
12 vehicle, the patrol car, is loud enough to where the
13 inside microphone picks it up.

14 Q. And what does -- you know, if you are
15 communicating everything on the radio, what does the
16 purpose of having the additional microphone serve? To
17 capture things that you don't radio?

18 A. Correct, to capture anything that happens
19 outside the patrol vehicle, because the vehicle inside
20 it has a microphone, but, with you, it's supposed to be
21 recording video and audio wherever you are in front of
22 the patrol vehicle.

23 Q. And I understand that in December of 2021, the
24 Sheriff's Office did not, generally, have body cams. Is
25 that one of the reasons you were using the dash cam

1 video?

2 A. Correct. We had not been issued body cams yet?

3 Q. And, from your perspective, what do you
4 understand the purpose of the body cams to be now?

5 A. The body cameras are multipurpose. They assist
6 in recording our investigation, any interaction with
7 suspects, or even civilians.

8 Q. And so it seems like -- you can correct me if
9 I'm wrong -- at this time you were kind of using the
10 dash camera as a default mechanism to record things on
11 scene?

12 A. Correct. We just got real good at positioning
13 our patrol vehicle in a place where the camera was
14 going to pick up, where we knew we were going to work
15 and with your -- a body microphone on. It was basically
16 doing what a body camera does now.

17 Q. That seems really smart. Work with what you
18 have to work with at the time.

19 A. Correct.

20 Q. Now, we heard a male voice on the radio, radio
21 that local journalist Justin Pulliam is on-scene. Is
22 that your voice?

23 A. Yes.

24 Q. Why did you radio that Justin Pulliam was on the
25 scene?

1 A. Just to radio to let them know that we had
2 somebody else there, and -- because of the history that
3 we have with Justin Pulliam, so now the supervisor
4 that's coming in understands who else is there.

5 Q. And did the fact that Justin Pulliam was on the
6 scene change your behavior at all?

7 A. No.

8 Q. And why did you use the term "local journalist",
9 to refer to Justin Pulliam?

10 A. For one, if I remember correctly, just to let
11 the dispatcher know, who she may not know who Justin
12 Pulliam is, and, two, I mean, that's what he refers to
13 himself as.

14 Q. How did you see Justin Pulliam arrive there?
15 And by that, I mean did he walk into the scene, did he
16 drive into the scene?

17 A. No, at the time when I was taking cover, I do
18 look back several times, and I did see a pickup truck
19 drive onto the driveway of this parking lot, and when I
20 took my eyes off of it, I -- next thing I knew, he was
21 walking from it, so I thought he had driven there, but,
22 apparently, he was a passenger of that truck.

23 Q. Sure. And how soon after Justin Pulliam arrived
24 at the Krafts' property did you radio that Justin
25 Pulliam was on-scene?

1 A. Immediately.

2 Q. Let's watch another portion of the video. Let's
3 go to timestamp 10:33 to 10:48.

4 [Clip was played.]

5 Q. And was that your voice we heard say, "Sir, we
6 need you to stay back over there"?

7 A. Yes.

8 Q. And can you explain what you meant by that
9 statement?

10 A. Well, just not to come any closer to the
11 residence. If he stayed where he was, by the road,
12 just -- it was really general, so just don't come any
13 closer was really my attitude.

14 Q. Sure. And when you were saying "over there",
15 where did you mean for Justin to stay?

16 A. Like I said, by the roadway or next to the
17 roadway, or maybe by his vehicle.

18 Q. Sure. The next portion of the video is 10:48.
19 Would you mind cueing that up, Molly, and let's go --
20 let's press "play."

21 [Clip was played.]

22 Q. Is that you positioned to the left -- to our
23 left of the tractor/trailer there?

24 A. Yes.

25 Q. And what were you doing in this part of the

1 footage?

2 A. I was warming up. Stretching.

3 Q. And did you have your gun drawn now?

4 A. No, not yet.

5 Q. And do you recall what Justin Pulliam was doing
6 at this point?

7 A. He was filming. I think he was talking to Mrs.
8 Kraft.

9 Q. Sure. And it seems like you're pretty focused
10 on the Krafr Residence and stretching, correct?

11 A. Correct.

12 Q. At this point, was Justin Pulliam getting in
13 your way at all?

14 A. No.

15 Q. And did Justin Pulliam say anything to you while
16 you were over here by the tractor-trailer and he was
17 kind of by the gas pumps and Mrs. Craft?

18 A. No.

19 Q. And did you see Justin Pulliam walk closer to
20 you?

21 A. No.

22 Q. Did you see Justin Pulliam walk closer to the
23 Krafts' residence?

24 A. No.

25 Q. At this point, before Sergeant Rollins had

1 arrived, did you see Justin commit the offense of
2 interference with public duties?

3 A. No.

4 Q. Let's skip ahead to 14:21, and before we press
5 "play", I just want to look at kind of where you're
6 standing. At this point, you were still to the left of
7 the tractor-trailer, correct?

8 A. Correct.

9 Q. And had you seen any sign of Edwin Kraft?

10 A. No.

11 Q. And had you heard anything indicating that Edwin
12 Kraft was nearby or in the trailer at this point?

13 A. No.

14 Q. Let's press "play."

15 [Clip was played.]

16 Q. You can pause it, Molly.

17 So we just watched from about 14:21 to 14:31, and
18 it's a little soft on -- the volume is a little soft on
19 this portion of the footage, but can you hear someone
20 say, like: I need y'all to go across the street.

21 A. I couldn't make out what it was, but I could
22 hear somebody talking.

23 Q. Did you know -- do you recall whose voice this
24 is?

25 A. Most likely, it's going to be Sergeant Rollins.

Ricky Rodriguez

1 Q. Sure. And did you hear the statement, or
2 whatever Sergeant Rollins had said at -- when you were
3 standing over by the tractor-trailer?

4 A. No.

5 Q. And Sergeant Rollins kind of began speaking
6 basically as soon as he arrived at the Krafts' property;
7 is that right?

8 A. From my understanding.

9 Q. Let's play till -- 16:14, to 14:29 or 14:31, so
10 it'll be two minutes so bear with me, Deputy Rodriguez.

11 [Clip was played.]

12 Q. Okay, on this clip, you can hear some of the
13 interaction between Sergeant Rollins and Justin Pulliam,
14 but from where you were standing at the tractor-trailer,
15 could you hear what was being said?

16 A. No.

17 Q. It seems like you unlocked your vehicle for
18 Sergeant Rollins.

19 A. Uh-huh.

20 Q. Did Sergeant Rollins put Justin Pulliam in your
21 vehicle?

22 A. Yes.

23 Q. Why not his own vehicle?

24 A. I'm not sure.

25 Q. And is it typical for, you know, a superior

1 officer to maybe take someone into custody and put that
2 person into a junior officer's vehicle?

3 A. You're asking is it --

4 Q. Is that a practice?

5 A. It happens, yeah.

6 Q. Sure. On the footage, it seemed like you were
7 trying to keep your head on a swivel, focusing on what
8 was going on at the Kraft residence, and then kind of
9 keeping an eye on what was going on with Sergeant
10 Rollins; is that fair?

11 A. Yes.

12 Q. At any point during the exchange between
13 Sergeant Rollins and Justin Pulliam, did you think to
14 yourself: "I'm going to go have to go over there to
15 help Sergeant Rollins out."

16 Q. When we talked about not being able to hear
17 exactly what was going on, that's true, but what I could
18 hear was him and Justin Pulliam getting heated, so their
19 voices were getting loud, and I couldn't make out
20 exactly what was being said, but with that being the
21 case, I did pay a little bit more attention with him,
22 just in case I needed to go over there.

23 Q. Sure, but did you ever kind of think that maybe
24 Sergeant Rollins might need your assistance?

25 A. No. Not from what I could see.

1 Q. Based on what you saw and heard at the time,
2 what did you believe that Sergeant Rollins was taking
3 Justin Pulliam into custody for?

4 A. Well, along with the loud talking and Sergeant
5 Rollins gesturing, pointing across the street, I
6 believed that he was telling him to move away further,
7 and I know whenever another superior gets on scene, he
8 can expand the scene a little bit further, and that's
9 what I believed was going on. I couldn't hear anything,
10 so that's all I can assume.

11 Q. Sure. Let's watch the next portion of the
12 video: You know, let's take just a break. We've been
13 going for over an hour. Let's take a restroom break,
14 and just a break, in general, and then we'll come back.

15 A. Okay.

16 Q. You okay?

17 A. Sure.

18 Q. Let's take a ten-minute break.

19 COURT REPORTER: Off the record, 10:07.

20 [Short recess was taken.]

21 COURT REPORTER: Back on the record 10:16.

22 BY MS. HEBERT:

23 Q. Okay, we are paused at what looks like 6:15.
24 We're about to watch another clip, but Deputy Rodriguez,
25 you're still to the left -- our left of the tractor

1 trailer; is that right?

2 A. Correct.

3 Q. And, at this point, you are still in kind of
4 welfare check mode for Edwin Kraft?

5 A. Correct.

6 Q. Let's watch the next portion of the video.

7 [Clip was played.]

8 Q. At this point, it looks like you're interacting
9 with some of the officers, giving them information; is
10 that fair?

11 A. Yes.

12 Q. It seems like you could hear some of the
13 exchange between Sergeant Rollins and Justin Pulliam at
14 the beginning of this clip. Was Justin Pulliam under
15 arrest at this point?

16 A. That, I did not know.

17 Q. Seems like the audio of Justin Pulliam's voice,
18 at least, gets pretty clear. Does that mean he was in
19 your vehicle?

20 A. He was in the backseat, yes.

21 Q. Molly, would you go back a little bit to 16:44?
22 Just scroll back a little bit. And why don't you just
23 press "play", and stop at 1644. Oh, pause there.

24 We saw kind of two women go across in front of
25 your vehicle. Who were these two women?

1 A. These are going to be TXANA employees. They're
2 the -- one of them called to check welfare.

3 Q. On Edwin Kraft?

4 A. Yes.

5 Q. And are they -- are TXANA employees part of the
6 the Sheriff's Office?

7 A. No.

8 Q. And these women aren't in uniform like you are?

9 A. Correct.

10 Q. And they aren't wearing any kind of ballistics
11 vests?

12 A. No.

13 Q. When these two women walked in front of your
14 vehicle, were you concerned about their safety at all?

15 A. Well, I was concerned who they were. At this
16 time, it's a little bit outside of my reach.

17 Q. Oh, so you didn't know they were TXANA employees
18 at this time?

19 A. Yeah, I had an idea of who they were and I think
20 we were -- we were advised over the radio or something
21 later on, but they were close enough to Sergeant
22 Rollins that I knew that he would be able to deal with
23 them.

24 Q. So you basically weren't concerned about kind of
25 dealing with these civilians right now. If Sergeant

1 Rollins had a problem with it, he would take care of
2 that?

3 A. Correct.

4 Q. And you personally didn't fear for their safety
5 at this point?

6 A. Correct.

7 Q. To your knowledge, the relationship between the
8 Sheriff's Office and TXANA employees, does the Sheriff's
9 Office typically permit TXANA employees to remain on the
10 scene?

11 A. If necessary, yes.

12 Q. Sure. But the Sheriff's Office wouldn't allow
13 or permit the TXANA employees to be in a dangerous
14 situation?

15 A. No.

16 Q. Would you classify TXANA employees as civilians?

17 A. Yes.

18 Q. And if -- in general, you allow a civilian to
19 remain on a scene that is potentially dangerous, how do
20 you ensure that that civilian stays safe?

21 A. Well, TXANA employees, they always assume a bit
22 of risk because the individuals that they deal with,
23 that they help us with, sometimes they can get violent.
24 They don't always go in -- up until recently, they
25 don't go into the scene with ballistics vests, or a gun

1 or a Taser, so they are assuming quite a bit a risk
2 already as it is, so we can do what we can to mitigate
3 that by getting in between the persons that we're
4 dealing with and the TXANA screener.

5 Q. Okay, so you try to make sure you kind of stay
6 between the dangerous situation and the TXANA employees?

7 A. Yes.

8 Q. Do you -- I understand you just said that the
9 TXANA employees assume a bit of risk. Do you ever kind
10 of give them a warning like, "Hey, we're going into this
11 situation. Stay behind me", for instance?

12 A. Yeah, in a perfect scenario where we have time
13 to brief each other, yes.

14 Q. And let's go to the next portion of the
15 timestamp, Molly. We're going to go to 17:23, and I'll
16 just summarize the stuff that happens between --
17 basically you're standing there stretching for a period
18 of time waiting to see what's going to happen.

19 [Clip was played.]

20 Q. And on this portion, it sounded like you said
21 something to Rollins about Mom being over somewhere, and
22 to maybe have her go move around to the back side; is
23 that fair?

24 A. Right, yeah.

25 Q. And the mom you're referring to at that point

1 was Frances Kraft?

2 A. Correct.

3 Q. And you pointed and said she's in that vehicle.

4 Where was that vehicle at that point?

5 A. It was parked on the far side of the gas pumps.

6 Q. And what happened after you asked that question?

7 A. He gave me a response. I couldn't hear, and I
8 don't remember.

9 Q. Did Sergeant Rollins go talk with Frances Kraft?

10 A. Yes.

11 Q. And do you know what he told Frances Kraft at
12 all?

13 A. No.

14 Q. And it seemed at that point, you learned that
15 these two women wandering around were TXANA employees;
16 is that fair?

17 A. Yes.

18 Q. And do you know if Sergeant Rollins went and
19 talked to the TXANA employees?

20 A. Yes.

21 Q. And, at this time, did either Frances Kraft or
22 the two TXANA employees leave the Kraft property?

23 A. No.

24 Q. Let's take a little bit of a break from the
25 video, and I just want to get a better understanding of

1 kind of where everyone was in proximity to each other.

2 Let's look at Exhibit 3, Molly.

3 [Exhibit 3 was marked.]

4 Q. Now, I'll kind of represent to you that this
5 image -- I need to pull it up on my on -- is kind of a
6 Google image of the Kraft property to give you kind of a
7 bird's-eye view of where everything was, and I've added
8 some shapes based on where the vehicles were located at
9 the time that Sergeant Rollins and Justin Pulliam kind
10 of had their interaction.

11 Can you take a look at this image, and we'll get
12 to kind of where everyone was standing in a minute, but
13 does this image fairly and accurately represent the
14 scene at the time that Justin and Sergeant Rollins
15 interacted?

16 A. Yes.

17 Q. I'm going to introduce another copy of the --
18 this exact same image as Exhibit 4.

19 [Exhibit 4 was marked.]

20 Q. And why don't you put Exhibit 3 to the side,
21 there -- this is not the one I want, Molly. Can you
22 hand me the one that has the tractor-trailer on it? Can
23 we get another copy of the tractor-trailer one? Just
24 the same exact thing.

25 [Exhibit 5 was marked.]

1 Q. So we'll mark this one as Exhibit 5. Once you
2 introduce an exhibit, you can't go back in time and say
3 "Let's replace it."

4 Is this the same image that you saw as Exhibit 3?

5 A. Yes.

6 Q. I'm not trying to trick you. I just --

7 A. Looks like it, yes.

8 Q. Can you mark with this orange marker which
9 vehicle of the police vehicles was yours?

10 A. I'll just put an "R."

11 Q. You put an orange "R" next to your police
12 vehicle, where you parked it when you arrived; is that
13 fair?

14 A. Yes.

15 Q. And just for, like, ease of reviewing it later,
16 can you use this red marker to put a small "X" where you
17 were standing at the time that Rollins and Justin
18 Pulliam interacted?

19 A. (Witness indicates.)

20 Q. And I'm going to give you another color, so bear
21 with me. We're having a coloring exercise.

22 A. Okay.

23 Q. Would you maybe make a little green circle where
24 Justin Pulliam was standing when Rollins approached him?

25 A. It's going to be general.

1 Q. It can be approximate.

2 A. Be about right there (indicating).

3 Q. Sure. And then would you -- I'm going to give
4 you a blue marker. Would you please mark, like, a blue
5 triangle where Frances Kraft was?

6 A. I believe she was going to be under the carport
7 next to her car (indicating).

8 Q. And you can keep the blue marker. Can you maybe
9 draw two blue squares where the TXANA women were at this
10 point, if you remember?

11 A. I know they passed in front of my car and I
12 believe they stood and talked with Frances Kraft, so
13 we'll just put them next to her (indicating).

14 Q. And then would you mind putting -- I know Deputy
15 Lacy kind of went around the back a little earlier. Can
16 you put a black X where Deputy Lacy was?

17 A. While I couldn't see him, he told me he was
18 going to be right there on the corner of the residence.

19 Q. That's it. I just wanted to kind of get a
20 better sense of where everybody was.

21 [Exhibit 6 was marked.]

22 Q. Let's look at another exhibit. Molly, would you
23 get Exhibit D and this will be Exhibit 6. Take a
24 second to review it and let me know when you're
25 finished.

1 A. Okay.

2 Q. What is this document?

3 A. This is going to be the -- my offense report for
4 this incident.

5 Q. And by "this incident" you mean the arrest of --

6 A. The arrest, uh-huh.

7 Q. -- Justin -- not the Edwin Kraft events?

8 A. Correct.

9 Q. How do you know?

10 A. Well, I've reviewed it and I remember it.

11 Q. Okay. Does someone in the Sheriff's Office
12 review reports after you write them?

13 A. Yes.

14 Q. And what does that review usually include?

15 A. Well, the review will go -- the supervisor will
16 go through the report and make sure that everything
17 everything on the report is correct as far as the -- we
18 have different categories for the report, make sure the
19 evidence is all in there, and it's showing that it
20 belongs to or was taken by for evidence and just going
21 through and reading the report, the narrative of the
22 report, and making sure that there are no typos and it
23 flows.

24 Q. So I would presume, as a patrol deputy you've
25 done, like, tons of reports. Is that a fair assumption?

1 A. Yes.

2 Q. I want to look at the first page. There's a box
3 for, I think, the officer who did the reviewing, and
4 correct me if I'm wrong. It says "approving officer."
5 It's kind of on the left-hand side, and it says "SXG
6 004." Did I read that correctly?

7 MR. HEDGES: Where are you seeing that?

8 MS. HEBERT: "Approving officer"; it's
9 -- one, two, three, four, five, sixth line down on the
10 right side.

11 MR. HEDGES: On the right side.

12 BY MS. HEBERT:

13 Q. I think I said left. Sorry. Do you see
14 approving officer, it says "SXG 004"; is that right?

15 A. Yes.

16 Q. Who is SXG 004?

17 A. I don't recall. It's going to be another
18 sergeant on day shift, most likely. How would -- how do
19 you know who is SXG 004? How would I find out that
20 information?

21 A. How you would find out, I'm not really sure.
22 For me, when I log in to this reporting system, we can
23 hover over that with the mouse, and it usually
24 expands --

25 Q. Pops up?

1 A. Yeah.

2 Q. And does that ever change? So the reason I'm
3 asking is, like, if -- you know, patrol today, if I
4 hover over "SXG 004" today, would that be the same
5 person or does that sometimes change?

6 A. As far as once it's done, it won't change, no.
7 We have multiple sergeants on duty, so they all split
8 the responsibilities of reviewing incoming reports and
9 approving them, so they kind of pass through, so once
10 it's already done, it's stamped digitally in the system
11 and doesn't change.

12 Q. Got it. So there might be a different SXG 004,
13 but the SXG 004 that was -- that reviewed this report
14 would be identifiable?

15 A. Correct, right, so that initial in the system
16 that's assigned to a specific person, so it would never
17 be reassigned, so I can tell you that the letters on
18 there, that's going to be someone's initials, first,
19 middle and last, and so if there's ever multiple
20 employees that share the same initials, which is -- I
21 mean, I have a supervisor by the name of Richard
22 Rodriguez, and so they add the numbers to the end of
23 it, so if there are officers or employees that have the
24 same initials, they just add a number 1, number 2,
25 number 3.

Ricky Rodriguez

1 Q. Are you number 1 or number 2?

2 A. I'm number 2.

3 Q. Sorry.

4 A. He came first.

5 Q. He came first?

6 A. By a few years.

7 Q. The approval date on this is 12/27/21, and I'm
8 not trying to insinuate anything, here. I'm just
9 generally curious. That's almost a week after the
10 offense. How long does it usually take for approval of
11 a report to kind of run its course?

12 A. It just depends. It depends on if it is dealt
13 with immediately. Also depends on if the officer is off
14 duty and doesn't come back to make the correction, so it
15 could prolong it being approved by a supervisor.

16 Q. I understand that this was the week of
17 Christmas; is that fair?

18 A. Correct.

19 Q. And by "officer", you're referring to whether
20 the reviewing officer was off duty?

21 A. The original officer that created the report;
22 so, like, myself. If I -- if I submitted and -- let's
23 just say that they allowed me to go home. It would be a
24 whole 'nother day before they got to -- and they said
25 well, there's some corrections that you need to make.

1 Go ahead and make them, and if those corrections are
2 done and it's resubmitted, and they find more errors on
3 it, it could continue to prolong it down the road, and
4 if I go on my weekend, then it'll be two or three days
5 before it'll get corrected.

6 Q. That's helpful. The corrections process, how
7 does that get documented? Is there, like, you send an
8 e-mail to whoever's reviewing it and say, "Hey, I've
9 done my report. Please review it now"; or is there an
10 internal, like notification system? How does that all
11 work?

12 A. The reporting system that we create the reports
13 and manage them with, it has a documentation section of
14 this report specific for this one, so it logs every
15 time somebody opens the report, with that person's
16 initials, so it's a digital fingerprint, you could say,
17 and every time that the officer, the original officer
18 approved it, it sits in this approval status and you
19 notify a supervisor. Usually, the supervisors, they
20 come in and they do, you know, probably once or twice a
21 day, they pull up all the newly-submitted reports and
22 they read through them, and if it has errors, they will
23 kick it back, and so every deputy has the duty to,
24 every time they come in in the morning or the evening
25 when they're done with their shift, pull up your

1 reports and review what has been disapproved, and your
2 own report. You have the duty to get those in in a
3 timely manner.

4 Q. Okay, so when I submit things for Jeff, my
5 supervising attorney, to review, he'll, like, maybe
6 comment on things, let's say, "Christie, fix X, Y, or,
7 Z", and the document version that we use, I can go back
8 in time to my original version, look at it, and then
9 Jeff usually redlines it for me, and I can make changes
10 on that.

11 A. Correct.

12 Q. It sounds like you guys have something similar.

13 A. There's a notations section in the correction.
14 So once they disapprove the report and send it back to
15 us, they will notate in there of what needs to be fixed.

16 Q. So there's, like, notes that the supervisor
17 says, "Look, this part wasn't filled out right."

18 A. Uh-huh.

19 Q. And then you see that and you make the change?

20 A. Correct.

21 Q. And can you go back in time if you, you know,
22 the -- let's say you make changes and you send it, and
23 the supervisor goes, "No, no. I like it better the way
24 you did it the first time." Can you go back in time to
25 see the first version of the report?

1 A. No, we don't -- it doesn't have that capability.

2 Q. Okay. And as you -- like, once you submit a
3 report, so you're done. Can you go back and check what
4 your supervisor said about a given report at any time?
5 So here's a great example. Sometimes I'm working on a
6 new case, and I go back to what Jeff said in the last
7 case and say, "Okay, he didn't like how I phrase it on
8 this way, so I'm going to go back to his comments."
9 Can you do that?

10 A. Yeah, so all that is documented and saved.

11 Q. Okay. You wrote in this offense report -- and
12 you can see it kind of the second line, that Justin was
13 arrested for interference with duties of peace officer.
14 Can you tell me a little bit about that offense? What
15 is the nature of that offense?

16 A. In the instance where someone is impeding or
17 getting in the way of an investigation, and so I don't
18 know the verbatim in the Penal Code, but it is going to
19 -- you do have to understand a working knowledge of the
20 offense.

21 Q. Sure. I understand that you have to know a lot
22 of offenses, kind of like what we talked about earlier.

23 A. Yeah.

24 Q. So it would be an impressive feat of memory if
25 you could list off every element of every offense you

1 are expected to know.

2 A. I don't think I'd be a police officer if I had
3 that kind of memory. I'd be doing something else.

4 Q. Fair. I guess that's not what I'm asking, but
5 your general perception of what the offense is is super
6 helpful. So have you ever arrested someone for
7 interference of public duties other than this situation
8 with Justin Pulliam?

9 A. I'm sure I have. I just cannot recall
10 specifics.

11 Q. Okay, so kind of in the general scheme of
12 things, what kinds of things do you arrest folks for
13 when they interfere with public duties?

14 A. Many times, it's just a physical interference,
15 where they are -- where they're physically fighting
16 with a deputy, and they may not have been involved in
17 the whole incident, but they insert themselves in, and
18 they start physically getting in the way, where we have
19 to stop what we're doing, place them in handcuffs, and
20 put them in the backseat. It could be that, or it would
21 just -- they are arguing and allowing for these
22 individuals that we're dealing with to not be dealt
23 with. They would get away. It's been instances like
24 that.

25 Q. And, so we have a clear record, we already kind

1 of know the answer to this question. Although you wrote
2 this initial offense report that is Exhibit 5, you
3 weren't the officer who decided to arrest Justin
4 Pulliam?

5 A. Correct.

6 Q. That was Sergeant Rollins who decided to arrest
7 Justin Pulliam?

8 A. Correct.

9 Q. So how did you end up writing the initial
10 report?

11 A. Well, because I was involved in the both of
12 them, and they just kind of went hand in hand. I
13 believe it might have been -- we might have been so
14 involved with the Edwin Kraft incident, and this was
15 kind of part of it, so, in order to report it and it be
16 documented properly, they have to be separated into case
17 numbers, and just referencing both reports, but as far
18 as being able -- getting the report or getting the
19 arrest or having to book them in, sometimes it just
20 happens like that, yeah.

21 Q. And is it -- like you said sometimes it happens
22 like that. Is it normal for, you know, maybe a
23 lower-ranking officer to write the report for an arrest
24 that a higher-ranking officer made? Is that normal?

25 A. Sometimes it is like that, but we don't do the

1 entire report. So the arresting officer may -- is
2 going to have to complete his own supplement to the
3 report, so it all -- it all documents, so they have the
4 initial interaction, they started the offense, and it
5 was handed off to a deputy to conduct the booking
6 process, and so sometimes, like I said, it happens like
7 that.

8 Q. And I think -- I think what you're talking about
9 is actually in your report. Can you go to page -- 5, I
10 think it is? Page 5. In this narrative section that's
11 towards the bottom, would you mind going to one, two --
12 the third paragraph? And right before the last sentence
13 of the third paragraph, there's something in parentheses
14 there, and I'm going to read it. It says, "See SGT
15 supplement." Does "SGT" refer to "sergeant"?

16 A. Yes.

17 Q. And, by writing this section here, were you
18 saying go look at Sergeant Rollins' supplement?

19 A. Yes.

20 Q. And did Sergeant Rollins write his supplement
21 before you wrote your offense report?

22 A. I'm not sure.

23 Q. Okay, so you don't know if you read Sergeant
24 Rollins' supplement before writing this report?

25 A. No. I did not read Sergeant Rollins's

1 supplement.

2 Q. So you wouldn't know whether he had written it
3 or not when you're writing this?

4 A. Correct.

5 Q. Is it just your general practice when you kind
6 of write up a initial offense report for someone who's
7 more senior to you, to say go look at their report?

8 A. Yeah, that's normal.

9 Q. I think we're done with this exhibit. Let's
10 turn back to your dash camera footage, which is Exhibit
11 2, and let's go to time stamp 3002, so 30 minutes and 2
12 seconds, and we're going to just watch a short part
13 that's about two minutes long, so let's go to stop at
14 32:07.

15 [Clip was played.]

16 Q. Was that Sergeant Rollins who asked you to move
17 your car back?

18 A. Yes.

19 Q. And he said something like "because I've got him
20 in there." Is that "him" referring to Justin Pulliam?

21 A. Yes.

22 Q. And would it be accurate to say that Justin
23 Pulliam had already been in your vehicle for 10, 15
24 minutes?

25 A. Possibly. I'm not -- I don't remember.

1 Q. So some -- he'd already been in your vehicle for
2 some period of time. You're not exactly sure how long
3 that was?

4 A. Yes.

5 Q. When you moved your car back, it looks like Mrs.
6 Kraft's vehicle's no longer under the gas canopy. Do
7 you recall where her car went?

8 A. No, but I think they may have moved over to
9 where we were, so maybe on the other side of our
10 vehicles, but I don't -- I don't know where this is.

11 Q. Sure. After you moved your car, would it be
12 accurate to say there weren't any cameras anymore on the
13 Kraft residence, or were there other dash cams that
14 would have been pointing at the Kraft residence?

15 A. I believe these two other control cars in front
16 of me, they should have their dash cams on.

17 Q. Sure. But you're not going to reason why?
18 You're just following orders?

19 A. Yeah. It was just for the safety of the
20 prisoner.

21 Q. Sure. Let's go to timestamp 51:10, and we're
22 going to watch just to 51:34.

23 [Clip was played.]

24 Q. This footage showed one of the women who we
25 earlier identified as one of the TXANA employees; is

1 that correct?

2 A. Correct.

3 Q. It looked like she was wearing high heels; is
4 that accurate?

5 A. Something like that, maybe.

6 Q. And was she accompanied by anybody from the
7 Sheriff's Office at this time?

8 A. No.

9 Q. And it looked like there was another person.
10 I'm not sure if it was a man or a woman -- who kind of
11 walked out from a vehicle. Do you know who that was?

12 A. Yeah, that's going to be one of our CIT
13 deputies, a mental health deputy.

14 Q. And it looked like that person, that CIT deputy,
15 was wearing some kind of vest; is that accurate?

16 A. Yes.

17 Q. Would that be some kind of ballistics vest, as
18 well?

19 A. It's going to be more -- it's going to be for a
20 rifle, to stop rifle rounds, so it's going to be heavier
21 than the soft ones that we wear every day.

22 Q. And just to be clear, this TXANA employee who is
23 potentially in high heels, she's not wearing any vest?

24 A. Not that I know of.

25 Q. Let's -- at one point, I think you can hear the

1 audio of the TXANA employee say something like, "He's
2 not here anymore." Was the "he" referring to Edwin
3 Kraft?

4 A. Yes.

5 Q. Did you ever see Edwin Kraft while you were
6 waiting outside of the front of the Kraft residence?

7 A. No.

8 Q. Let's watch the next portion, 51:34 to 52:24.

9 [Clip was played.]

10 Q. Okay, we heard a voice that said, "What do you
11 want me to do with this guy? Release him?" Is that
12 your voice?

13 A. Yes.

14 Q. And were you directing that question to Sergeant
15 Rollins?

16 A. Yes.

17 Q. Did "him" refer to Justin Pulliam?

18 A. Yes.

19 Q. I think -- what was the reason you asked that
20 question to Sergeant Rollins?

21 A. I was not clear on whether he was just under
22 detention, or fully under arrest at this time. Sergeant
23 Rollins had not told me yet.

24 Q. And so you didn't know what the reason was that
25 Justin was really in the back of your patrol vehicle?

1 A. I didn't. Yeah, I didn't want to assume
2 anything, so I just kind of went back to -- it was just
3 an open question.

4 Q. And, again, lack of familiarity with law
5 enforcement, what is the difference between detention
6 and an arrest?

7 A. Sure. It's a form -- detention is a form of
8 arrest. It's -- what we have the authority to do to
9 keep people from moving while we're investigating
10 something. Sometimes we'll detain somebody because
11 they're fighting us. It's just for safety purposes or
12 we may even just put somebody in the backseat, because
13 we believe them to be a witness or part of, maybe, a
14 suspect so they -- while we're investigating, that's
15 what we refer to as detaining somebody, restricting
16 them from moving and leaving.

17 Q. And it sounds like detention doesn't always mean
18 handcuffs; is that fair?

19 A. Right.

20 Q. And you talked about, like, maybe putting a
21 witness in the back of the patrol car. If it was just a
22 witness, you wouldn't handcuff them?

23 A. Yeah, typically, witnesses, we would leave out,
24 but sometimes we'll handcuff somebody and put them in
25 the back seat, even if they are detained.

1 Q. And do you ever just let someone go after
2 they've been detained and handcuffed in the back of the
3 vehicle? Is that something you do?

4 A. Sometimes.

5 Q. Okay. How do you make that decision about who
6 gets detained and handcuffed and put in the backseat,
7 and then just released, or who gets -- who goes to
8 jail?

9 A. Well, it depends on if they broke -- if they
10 committed a crime, so that's based on that.

11 Q. Okay, so if they've committed a crime, you take
12 them to jail?

13 A. Correct.

14 Q. You don't make the decision about if something's
15 going to happen to the crime -- the criminal, for lack
16 of a better descriptor, you don't make that decision?

17 A. I'm not quite following you on that.

18 Q. Yeah, so if they committed a crime, they go to
19 jail. If they didn't commit a crime, they go free.

20 A. Correct.

21 Q. And then you don't make that decision what to do
22 with them after they've been arrested? Beyond going to
23 jail.

24 A. No. I mean, it'd depend on who's making the
25 arrest. They make the decision.

1 Q. And if someone committed a crime, you don't make
2 the decision; you would not release them?

3 A. Correct.

4 Q. Let's watch 52:34 to 53:32.

5 [Clip was played.]

6 Q. 52:20 is fine.

7 Was that your voice we heard talking in this clip
8 with Justin Pulliam?

9 A. Yes.

10 Q. And in response to Justin's statement that he'd
11 prefer to be buckled when he started moving the car.
12 You responded, "I'm sure there's a lot of things you
13 would prefer"; is that correct?

14 A. Yes.

15 Q. But even though you said that kind of
16 sarcastically, you went and buckled Justin Pulliam in?

17 A. Yes.

18 Q. Which I thought was a super-kind gesture, and
19 incredibly thoughtful as an officer, that showed you
20 were really concerned. But then you said, "You probably
21 should have left when you had the chance." Did I get
22 that right?

23 A. Yes.

24 Q. What did you mean by that statement?

25 A. Well, I'm sure he didn't want to be there and

1 handcuffed in the back of the vehicle, so that's what I
2 meant by that.

3 Q. Were you saying that if Justin had just left
4 when you arrived, that things would have turned out
5 better for him?

6 A. He would not have interfered, and he would have
7 not been arrested for a crime.

8 MS. HEBERT: Let's watch, together --
9 let's go to one hour and 43 seconds, Molly.

10 [Clip was played.]

11 Q. Thank you. It looked like you returned to the
12 gas station from somewhere else. Where had you gone
13 kind of in between the clips that we just watched?

14 A. So there's this -- this field behind the house.
15 It is a huge pasture, which is used for livestock.
16 Apparently, Edwin Kraft must have slipped out very early
17 and he walked across the field, and there's another
18 residence there, and I believe that's going to be a
19 family member of the Kraft family, and so we went over
20 there and so that's -- when we saw on the video earlier,
21 that the TXANA employee came up to me and she was
22 telling me that he wasn't here anymore, he was at
23 another person's house, and he was threatening them,
24 and so I believe Deputy Lacy went over there, I
25 followed, we -- by the time we got there, Lacy had

1 already interacted with them and he was walking back
2 across the field, so my thought process was, "Let me
3 get back over here, clear everybody out of the area",
4 because now he's not confined to a house. Edwin Kraft
5 is out in the open with a gun, and, by this time, Deputy
6 Lacy already had a face-to-face interaction with Edwin
7 Kraft and had the gun pointed at him, so we knew for a
8 fact, so that was what I was doing, is returning back
9 to this gas station, telling everybody to leave, and
10 try to possibly intercept Edwin Kraft as he came back.

11 Q. And, at this point, were you in welfare check
12 mode anymore?

13 A. No.

14 Q. At this point, did you transition to more of a
15 potential shooter situation?

16 A. Well, I wouldn't say that we're not completely
17 check welfare anymore. He may have been -- we don't
18 know what his mental state was, and he has not started
19 shooting at anybody, so, at that point, we're not
20 shooting back. We're trying to talk to him and have --
21 disarm, so that way, we can take him somewhere to get
22 help. I don't remember -- at this point now, he
23 already pointed a gun at the officer, so we have an
24 offense so we're now looking to try to disarm him and
25 take him into custody, too.

1 Q. At this point in the video, this clip that we
2 just watched, you pulled up to three women and said
3 something like, "Ladies, I need you to go across the
4 street"; is that correct?

5 A. Correct.

6 Q. Who were you talking to?

7 A. Those were the TXANA ladies. I believe that
8 third one was Edwin's mom, Frances Kraft.

9 Q. Frances Kraft?

10 A. Correct.

11 Q. And were these three women, Frances Kraft and
12 the two TXANA employees, were they still at the property
13 at this time?

14 A. Yes.

15 Q. Was any sheriff's officer with these three
16 women?

17 A. I believe Deputy Guajardo was still there the
18 whole time.

19 Q. By "there", you mean at the Kraft property?

20 A. At the Kraft property. So this -- they were
21 waiting in front of what used to be the Kraft store
22 right there on the corner, so it was far enough away
23 from the residence that it was safe, but there was a
24 deputy there with him.

25 Q. Sure. So somewhere on the property, Deputy --

1 A. Guajardo.

2 Q. Guajardo, was present, so could you see Deputy
3 Guajardo in the --

4 A. This is going to be the deputy with the heavy
5 vest. She's short, and she has a very short haircut.

6 Q. And we can go back a little bit. Could you see
7 Deputy Guajardo at all in that footage?

8 A. Not in this dash cam footage.

9 Q. Sure. Why did you give these three women the
10 order to go across the street?

11 A. I believed that it was for their own safety.

12 Q. And when you said he was out, you were referring
13 to Edwin Kraft is out?

14 A. Correct.

15 Q. Let's skip ahead to 1:19:33 seconds, and we'll
16 watch a couple of seconds to 1:19:57 seconds.

17 We're going to skip ahead in the footage for a
18 pretty substantial point, and I'll just say to you we've
19 skipped ahead a bit, and this portion of the footage is
20 after -- after you apprehended Edwin Kraft; is that
21 right?

22 [Clip was played.]

23 Q. Okay, in this clip, you are leaving the Kraft
24 property; is that fair?

25 A. Yes.

1 Q. And Edwin Kraft had already been apprehended,
2 correct?

3 A. I believe so, yes.

4 Q. And he had already been put in a patrol vehicle
5 at this point?

6 A. Yes.

7 Q. As you're leaving, your dash cam captures kind
8 of the two TXANA employees; is that correct?

9 A. Yes.

10 Q. Where were the two TXANA employees at this time?

11 A. They were right around their gas pumps.

12 Q. So they were still at the Kraft property?

13 A. Where they had returned.

14 Q. Did you ever see them leave the Kraft property?

15 A. Yeah, when I told them to leave, they got up and
16 they started to move across the street, but, at that
17 point, I never saw them again until I'm leaving,
18 myself.

19 Q. So you saw them get up and start to leave the
20 property, but you never saw them actually leave the
21 property?

22 A. Correct.

23 Q. And at this point when you are leaving the Kraft
24 property, they weren't in their vehicle; is that
25 correct?

1 A. I don't remember. I mean, when they -- I saw
2 them get up, and when I drive off, I don't pay
3 attention to see where they're getting -- where they're
4 going. I assumed they were getting in their vehicle. I
5 just saw them walking across the street.

6 Q. Sure. So you gave the order to Frances Kraft,
7 and the two TXANA employees to go across the street, and
8 then you left the Kraft property, to go back to where
9 you thought Mr. Kraft was?

10 A. At that point, I was actually arriving, and I
11 parked my patrol car somewhere on the right side of the
12 map, here.

13 Q. Okay. I get it. So after you --

14 A. I was on the opposite side from them, so I
15 wasn't --

16 Q. Sure. And I mis-remembered where you went. So
17 you gave them the order, the TXANA employees, and
18 Frances Kraft, to leave the property, and then you
19 moved your vehicle to another spot on the Kraft
20 property?

21 A. Right. Over here (indicating).

22 Q. So you weren't paying attention to what the
23 TXANA employees and Frances Kraft did after you told hem
24 to go across the street?

25 A. No.

1 Q. So you can't say whether they ever went across
2 the street?

3 A. I can't, no.

4 Q. But you do know that when you were in the
5 process of leaving the Kraft property at the end of the
6 incident, they were still there?

7 A. Yeah.

8 Q. And "they", referring to the TXANA employees?

9 A. Right. We see them on the video.

10 Q. So, sitting here today, you can't tell whether
11 they were following you over there?

12 A. Correct.

13 Q. After the incident at the Krafts' property on
14 December 21st, did Sergeant Rollins ever speak to you
15 about what happened at the Krafts' property?

16 A. No. Not that I can remember.

17 Q. So you don't remember if he ever, like,
18 counseled you about the decisions you made at the Kraft
19 property?

20 A. No.

21 Q. Okay. So he didn't say anything, like, "Deputy
22 Rodriguez, you could have done X, Y, or Z better. Let's
23 get better next time"?

24 A. No.

25 Q. Did anyone from the sheriff's office ever speak

1 to you about how you interacted at the Krafts' property
2 that day on December 21, 2021?

3 A. No.

4 Q. And just so the record is clear -- I think the
5 answer is no -- were you ever reprimanded by anyone at
6 the sheriff's office for any of the events that
7 occurred at the Krafts' property on December 21, 2021?

8 A. No.

9 Q. And after Justin Pulliam's arrest, was there any
10 internal discussion at the sheriff's office about maybe
11 how to handle interactions with citizen journalists in
12 general?

13 A. Afterwards? Not that I can remember.

14 Q. And did any new Sheriff's Office policies emerge
15 after the arrest of Justin Pulliam?

16 A. No.

17 Q. I'm going to take a quick break, and then we'll
18 hopefully be close to being done.

19 COURT REPORTER: Off the record, 11:07.

20 [Short recess was taken.]

21 COURT REPORTER: Back on the record at
22 11:11.

23 MS. HEBERT: I don't have any other
24 questions at this time. I'm going to pass the witness.

25 MR. HEDGES: We'll reserve ours till the

Ricky Rodriguez

1 time of trial.

2 COURT REPORTER: Off the record, 11:11.

3 MR. HEDGES: And he'll read and sign,

4 and I do need a copy.

5 [Deposition was concluded.]

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Ricky Rodriguez

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REPORTER CERTIFICATION

ORAL DEPOSITION of RICKY RODRIGUEZ, taken on August 11, 2023.

I, Sarah B. Townsley, CCR, RPR, CSR, hereby certify to the following:

That the witness, RICKY RODRIGUEZ, was duly sworn by me, and that the transcript of the deposition is a true record of the testimony given by the witness;

That examination and signature of the witness to the deposition transcript was reserved by the witness at the time of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and, further, that I am not financially or otherwise interested in the outcome of this action.

Certified by me on this 5th day of September, 2023.



Sarah B. Townsley CRR CCR CSR RPR
Certified Realtime Reporter
TX CSR #5746; LA CCR #92016; RPR 814558